

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SIMON J. BURCHETT PHOTOGRAPHY,  
INC.,

Plaintiff,

- v -

A.P. MOLLER MAERSK A/S,

Defendant.  
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19 Civ. 1576 (KPF)

[PROPOSED] **ORDER**

KATHERINE POLK FAILLA, District Judge:

The Court, having reviewed the submissions of the parties and being fully advised in the premises, hereby dismisses this action pursuant to Fed. R. Civ. P. 41(a)(2). Plaintiff's first claim for relief in the Amended Complaint (Dkt. #9 at 26-27) is dismissed with prejudice. Plaintiff's second claim for relief in the Amended Complaint (Dkt. #9 at 27-29) is dismissed without prejudice. To the extent Plaintiff files another lawsuit relating to the matters addressed in the Amended Complaint, Defendant may file a motion to recover the attorneys' fees and costs it incurred in this action as well as any future action.

SO ORDERED.

Dated: March \_\_, 2020  
New York, New York

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KATHERINE POLK FAILLA  
United States District Judge